

Date of Deposit: July 7, 2005



Attorney Docket No. 25739-026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leventhal
Serial No.: 10/645,010
Filed: August 21, 2003
For: FLUID DISPENSING DEVICE

Examiner: Tuan N. Nguyen
Art Unit: 3751

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO
THE DUTY OF DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 and 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance With 37 C.F.R. § 1.97

(Select A, B or C below)

A. ☐ This Information Disclosure Statement has been filed:

(Check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the National Application.
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. § 1.491, in an International Application.
3. ☐ before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

B. ☒ This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311.

(Check 1 or 2 below)

1. ☒ The fee of \$180 as set forth in 37 C.F.R. § 1.17(p) is enclosed.
2. ☐ The Applicant hereby certifies, as specified in 37 C.F.R. § 1.97(e),
(Check a or b below)

a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart of this application not more than three months prior to the filing of this Statement.

No fee is required.

b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart of this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Statement.

No fee is required.

C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 and before payment of an Issue Fee.

1. The Applicant hereby certifies, as specified in 37 C.F.R. § 1.97(e), that:
(Check a or b below)

a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.

- b. ☐ none of the items of information referenced in the attached Modified Form 1449/PTO and as contained in this Information Disclosure Statement, to the knowledge of the undersigned, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Statement.

2. The fee of \$180 as set forth in 37 C.F.R. § 1.17(p) is enclosed.

PART II: Information Cited

A. ☒ The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application:

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified).

The following are remarks concerning the other information cited:

PART IV: Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). Applicant has submitted a number of prior art documents in accordance with 37 C.F.R. § 1.97(d). Additional prior art documents are also submitted that do not comply with this section, and, if the Examiner does not consider these documents, are submitted in accordance with 37 C.F.R. § 1.97(i). It is respectfully requested that:

1. The Examiner consider completely all of the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that amore relevant information does not exist.

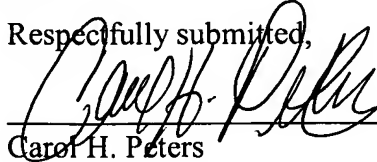
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,



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Date: July 7, 2005



Please type a plus sign (+) in this box



PTO/SB (12-97)

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Modified Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number		10/645,010	
				Filing Date		August 21, 2003	
				First Named Inventor		Leventhal	
				Group Art Unit		3751	
				Examiner Name		Tuan N. Nguyen	
				Attorney Docket Number		25739-026	
U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	**A1	5,909,737	06/08/1999	Ricco	132	116	
	**A2	5,927,290	07/27/1999	Thiruppathi	132	116	
	**A3	6,158,442	12/12/2000	Piatetsky	132	115	
	**A4	6,276,367	08/21/2001	Piatetsky	132	115	
U.S. PUBLISHED APPLICATION DOCUMENTS							
Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Document Office Number		Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No	
OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS							
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.					

* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 10/303,641, filed November 25, 2002, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

** By the waiver of 37 CFR 1.98(a)(2)(i) copies of U.S. Patents A1-A4 are not submitted.

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.